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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA

Plaintiff,

vs.

RAUL ANDREW CASAREZ,

Defendant.

Case No.: 2:15-cr-00168-KJD-VCF

**STIPULATION TO CONTINUE FILING
DATE TO RESPOND TO DEFENDANT'S
MOTION TO SUPPRESS EVIDENCE DUE
TO ALLEGED FOURTH AND FIFTH
AMENDMENT VIOLATIONS
(CR # 15)**

The United States, by and through Daniel G. Bogden, United States Attorney, Christina Brown, Assistant United States Attorney, and defendant Raul A. Casarez, by and through Rebecca Levy, Assistant Federal Public Defender, and hereby stipulate and agree that the government may have until and including August 17, 2015, to file its response to the defendant's Motion to Suppress Physical and Testimonial Evidence Due to alleged Fourth and Fifth Amendment Violations. (Dkt. 15).

In support, the parties state as follows:

1. On July 27, 2015, the defendant filed a Motion to Suppress based upon alleged constitutional violations. (Dkt. 15)

2. The United States' Response is due to be filed August 13, 2015. Counsel for the government has sought, and the defendant does not oppose, extending the United States' filing deadline to and including August 17, 2015.

1 3. Based on the pending motion and the defendant's request for an evidentiary
2 hearing, the parties anticipate filing a stipulation to continue the trial, presently scheduled for
3 August 24, 2015.

4 4. The defendant is in custody but does not oppose the delay sought to herein.

5 5. Additionally, denial of this request for continuance could result in a miscarriage
6 of justice.

7 6. The additional time requested by this Stipulation is excluded in computing the
8 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
9 United States Code, Sections 3161(h)(1)(F) and 3161(h)(8)(A), when considering the factors
10 under Title 18, United States Code, Section 3161(h)(8)(B)(i) and 3161(h)(8)(B)(iv).

11 7. There has been no previous request for a continuance to respond to dispositive
12 motions sought herein.

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14 Dated this 10th day of August, 2015.

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16 Respectfully Submitted,

17 DANIEL BOGDEN
18 UNITED STATES ATTORNEY

19 By: /s/ Christina Brown
20 CHRISTINA M. BROWN
 Assistant United States Attorney

21 By: /s/ Rebecca Levy
22 REBECCA LEVY
23 Attorney for Raul A. Casarez
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA

Plaintiff,

vs.

RAUL ANDREW CASAREZ,

Defendant.

Case No.: 2:15-cr-00168-KJD-VCF

**FINDINGS OF FACTS AND
CONCLUSIONS OF LAW**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. On July 27, 2015, the defendant filed a Motion to Suppress based upon alleged constitutional violations. (Dkt. 15)
2. The United States' Response is due to be filed August 13, 2015. Counsel for the government has sought, and the defendant does not oppose, extending the United States' filing deadline to and including August 17, 2015.
3. Based on the pending motion and the defendant's request for an evidentiary hearing, the parties anticipate filing a stipulation to continue the trial, presently scheduled for August 24, 2015.
4. The defendant is in custody but does not oppose the delay sought to herein.
5. Denial of this request for continuance could result in a miscarriage of justice.
6. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the dates for the filing of the responsive pleading and reply to the defendant's Motion to Suppress (Dkt. 15).

CONCLUSIONS OF LAW

Based on the fact that the defendant has raised constitutional challenges to the his stop and search; that the parties have agree to permit the government additional time to file its response; that denial of this request for continuance would deny the parties herein sufficient time to address the numerous points raised in the defendant's motion to suppress; and the fact that denial of this request for continuance could result in a miscarriage of justice, the Court hereby concludes that:

1. The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(F) and 3161(h)(8)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(8)(B)(i) and 3161(h)(8)(B)(iv).
2. The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice and would deny the parties sufficient time and Opportunity to adequately prepare responsive pleadings and replies to the defendant's suppression motion.

ORDER

IT IS THEREFORE ORDERED that the United States shall have to and including August 17, 2015, within which to file its response to the defendant's motion to suppress. (Dkt. 15)

IT IS FURTHER ORDERED that the defendant shall have to and including August 20, 2015, to file his reply.

DATED this 11th day of August 2015.



UNITED STATES ~~DISTRICT~~ JUDGE

Magistrate

Certificate of Service

I, Veronica Criste, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: STIPULATION TO CONTINUE RESPONSE DEADLINE MOTION TO SUPPRESS PHYSICAL AND TESTIMONIAL EVIDENCE DUE TO FOURTH AND FIFTH AMENDMENT VIOLATIONS (CR # 15), upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said document.

Dated: August 10, 2015

/s/ Veronica Criste
Legal Assistant to Christina M. Brown
Assistant United States Attorney
District of Nevada